

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BRYAN D. PATTERSON,)	Case No.: 1:20-cv-00751-SAB (PC)
)	
Plaintiff,)	
)	ORDER DIRECTING CLERK OF COURT TO
v.)	RANDOMLY ASSIGN A DISTRICT JUDGE TO
)	THIS ACTION
MAURICE HOWARD, et al.,)	
)	FINDINGS AND RECOMMENDATIONS
Defendants.)	RECOMMENDING DISMISSAL OF CERTAIN
)	CLAIMS AND DEFENDANTS
)	
)	[ECF No. 9]
)	

Plaintiff Bryan D. Patterson is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On July 2, 2020, the undersigned screened Plaintiff's complaint and found that Plaintiff stated a cognizable free exercise claim under the First Amendment against Defendants Maurice Howard and John Doe. (ECF No. 8.) However, Plaintiff was advised that he failed to state any other cognizable claims. (*Id.*) Therefore, Plaintiff was advised that he could file an amended complaint or a notice of intent to proceed on the claim found to be cognizable. (*Id.*)

On July 14, 2020, Plaintiff filed a notice indicating that he wishes to proceed on the claim found to be cognizable in the screening order, and dismiss all other claims and Defendants. (ECF No. 9.)

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1 Based on Plaintiff's notice, the Court will recommend that this action proceed against
2 Defendants Maurice Howard and John Doe for violation of the Free Exercise Clause of the First
3 Amendment. Fed. R. Civ. P. 8(a); Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009); Bell Atlantic Corp. v.
4 Twombly, 550 U.S. 544, 555 (2007); Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010). The Court
5 will also recommend that Plaintiff's request to withdraw the first amended complaint filed on July 17,
6 2020, be granted.

7 Accordingly, based on the foregoing, it is HEREBY ORDERED that the Clerk of Court shall
8 randomly assign a Fresno District Judge to this action.

9 Further, it is HEREBY RECOMMENDED that:

- 10 1. This action proceed against Defendants Maurice Howard and John Doe for violation of
11 the Free Exercise Clause of the First Amendment; and
- 12 2. All other claims and defendants be dismissed for failure to state a cognizable claim for
13 relief.

14 These Findings and Recommendations will be submitted to the United States District Judge
15 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within **fourteen (14) days**
16 after being served with these Findings and Recommendations, Plaintiff may file written objections
17 with the Court. The document should be captioned "Objections to Magistrate Judge's Findings and
18 Recommendations." Plaintiff is advised that failure to file objections within the specified time may
19 result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
20 (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

21
22 IT IS SO ORDERED.

23 Dated: **August 11, 2020**

24 
UNITED STATES MAGISTRATE JUDGE